UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2008 APR 28 PM 12:27

UNITED STATES OF AMERICA, Plaintiff, v. **Ruben ZAVALA-Alvarado,** Defendant	)	Magistrate Docket No. '08 MJ 1325 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 24, 2008** within the Southern District of California, defendant, **Ruben ZAVALA-Alvarado,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **APRIL, 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ruben ZAVALA-Alvarado

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 24, 2008, Supervisory Border Patrol Agent O. Alvarez was performing line watch duties in the Imperial Beach area of operations. At approximately 1:50 P.M., Agent Alvarez observed three individuals in a vehicle adjacent to the San Ysidro Port of Entry. As Agent Alvarez approached the vehicle, it began to drive away. The driver of the vehicle then proceeded to increase his speed and to run two red lights. Agent Alvarez was able to catch up to the vehicle. He proceeded to pull the vehicle over due to the suspicious and seemingly evasive maneuvers made by the driver and due to the close proximity to the border. Agent Alvarez identified himself as a United States Border Patrol Agent and conducted an immigration inspection of the three individuals present in the vehicle. Each of the three individuals, including one later identified as the defendant **ZAVALA-Alvarado, Ruben**, freely admitted that they were citizens and nationals of Mexico illegally present in the United States. Each of the three individuals including the defendant further admitted that they did not possess any immigration documentation permitting them to enter or remain in the United States legally. At approximately 2:00 P.M., Agent Alvarez arrested the defendant and the other two individuals and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 14, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 26, 2008, at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 24, 2008,** in violation of Title 8, United States Code, Section 1326.

Nita L. Stormes
United States Magistrate Judge

4-26-08 @ 12:25PM
Date/Time